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Kent F. Hayes JR.

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EXAMINER

KEEHN, RICHARD G

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/787,520	<b>Applicant(s)</b> HAYES, KENT F.	
	<b>Examiner</b> RICHARD G. KEEHN	<b>Art Unit</b> 2456	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-16,18-25 and 27-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-16,18-25 and 27-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

#### **DETAILED ACTION**

- 1. Claims 1, 3-16, 18-25 and 27-32 have been examined and are pending.**
- 2. Claims 2, 17 and 26 are cancelled.**
- 3. No new claims are presented.**
- 4. Applicant's amendments are not persuasive. Accordingly, this Office action is made FINAL.**

#### ***Response to Arguments***

**5.** Applicant's arguments, see pages 13 and 14, filed 9/21/2010, with respect to the rejection of Claims 16 and 18-24 under 35 U.S.C. 101 have been fully considered and are persuasive. **The rejection of Claims 16 and 18-24 under 35 U.S.C. 101 has been withdrawn.**

**6.** Applicant's arguments, see pages 13 and 14, filed 9/21/2010, with respect to the rejection of Claims 25 and 27-32 under 35 U.S.C. 101 have been fully considered, but are not persuasive. **The rejection of Claims 16 and 18-24 under 35 U.S.C. 101 is maintained.**

**7. Applicant's prior art arguments filed 9/21/2010 have been fully considered but they are not persuasive.**

- a. Applicant incorporates by reference that arguments presented in the response dated 4/5/2010. To this extent, Examiner incorporates by reference the response to Applicant's arguments from the Office action mailed 6/30/2010.

Art Unit: 2456

b. Applicant essentially argues on pages 14-18 that Examiner has not examined consistent with Applicant's specification. Specifically, Applicant takes issue with the claimed "automatic" recursion feature. Examiner notes that Applicant's specification is silent on "automatic" recursion. In fact, the word "automatic" or any derivative does not appear in the specification, nor in the originally filed claims. While Applicant's disclosure is silent on automatic recursion, Clohessy actually teaches the automatic function in ¶ [0038, last sentence] and Figure 4 showing the recursive path. While it is true that ¶ [0038] mentions human intervention, once said intervention is complete, the last sentence in ¶ [0038] makes it clear that the device take over automatic function.

c. Applicant argues on pages 18 and 19 that the claimed service interface is not disclosed in the cited prior art. Examiner notes that Applicant's specification and original claims are silent on a "service interface". Applicant attempts to point to the JAR file in the cited reference, but said JAR file was only part of the citation. The service interface is in Figure 2A. Applicant characterizes this as an "application interface", but it is clear that said interface is used to perform a service.

d. Applicant, on page 19, argues that "Applicant's claimed OSGi packages/bundles **are believed to be understood to include** dynamically loadable collections of JAR files, configuration files, and other classes, and may as such include multiple Java packages." {**emphasis** added by Examiner} Applicant's subjective belief is not examined, claims are. Perhaps adding these

Art Unit: 2456

items to the claims may assist in prosecution. It is clear that Clohessy discloses OSGi bundles/packages in ¶¶ [0139, 0035 and 0038].

e. Applicant's remaining arguments are based on the alleged allowability of the independent claims, which are not allowable at this time.

f. For the reasons stated above, Examiner respectfully traverses Applicant's arguments and finds them to be not persuasive.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**8. Claims 25 and 27-32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

As to Claims 25 and 27-32, Applicant has provided evidence that applicant intends the invention to be embodied as a program product stored on a storage medium. The broadest reasonable interpretation of a claim drawn to storage medium typically covers forms of non-transitory tangible media and transitory propagating signals per se. As such, the claims are drawn to a form of energy. Energy is not one of the four categories of invention and therefore claims 25 and 27-32 are not statutory. Energy is not a series of steps and thus is not a process. Energy is not a physical article or object and such is not a machine or manufacture. Energy is not a combination of substances and therefore not a

composition of matter. Modifying the claim language to include “program product stored on a non-transitory storage medium” will overcome the rejection.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**9. Claims 1, 3, 5-11, 13-16, 18, 20-23, 25, 27 and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0023661 A1 (Clohessy et al.), and further in view of US 6,493,871 B1 (McGuire et al.).**

As to Claims 1, 10, 16 and 25, Clohessy et al. disclose a computer-implemented method, a computer-implemented method, a computerized system for resolving prerequisites, and a program product stored on a storage medium and executed by a computer, respectively, for client devices in an Open Service Gateway Initiative (OSGi) framework, comprising:

**{Claim 16 ONLY}** a memory that stores OSGi bundle information at a server device (Clohessy et al. disclose the memory - ¶ [0022]);

**{Claim 16 ONLY}** a processor programmed to execute (Clohessy et al. disclose the processor - ¶ [0022]);

determining, on a server device, an OSGi bundle to be loaded on a client device (Clohessy et al. discloses determining by the server, the runtime resources needed on,

Art Unit: 2456

and to be loaded on the client device - Page 4, ¶ [0139]; ¶ [0038] recites the use of OSGi bundles) the prerequisites comprising a set of all that are necessary for utilizing the OSGi bundle (Clohessy et al. discloses determining by the server, the runtime resources needed on, and to be loaded on the client device - Page 4, ¶ [0139]; ¶¶ [0035 and 0038] recite the use of OSGi bundles including amount of RAM, the number of threads, and the number of sockets for the associated application component and that these are service resources as part of the open Service Gateway initiative; ¶ [0035] also recites that the RDL is comprised of Java which is package based and provides interface components. Figure 2A discloses that the application is run on a PDA which discloses the application interface as well);

OSGi bundles (Clohessy et al. discloses determining by the server, the runtime resources needed on, and to be loaded on the client device - Page 4, ¶ [0139]; ¶ [0038] recites the use of OSGi bundles);

identifying a final set OSGi bundles on the server device that fulfills the resource limitations of the client device (Clohessy et al. discloses that the bundles needed are identified, and not sent until the client has sufficient resources available - Page 4, ¶ [0043]); and

would not require more client device OSGi package and OSGi service interface resources than the current OSGi package and OSGi service interface resources of the client device (Clohessy et al. disclose determining the client resources and whether the client has sufficient resources for the bundles - ¶ [0036]; ¶¶ [0035 and 0038] recite the use of OSGi bundles including amount of RAM, the number of threads, and the number

Art Unit: 2456

of sockets for the associated application component and that these are service resources as part of the open Service Gateway initiative; ¶ [0035] also recites that the RDL is comprised of Java which is package based and provides interface components. Figure 2A discloses that the application is run on a PDA which discloses the application interface as well) and

would require more client device OSGi package and OSGi service interface resources than the current OSGi package and OSGi service interface resources of the client device (Clohessy et al. disclose determining the client resources and whether the client has sufficient resources for the bundles - ¶ [0036]; ¶¶ [0035 and 0038] recite the use of OSGi bundles including amount of RAM, the number of threads, and the number of sockets for the associated application component and that these are service resources as part of the open Service Gateway initiative; ¶ [0035] also recites that the RDL is comprised of Java which is package based and provides interface components. Figure 2A discloses that the application is run on a PDA which discloses the application interface as well); and

automatically recursively resolving the prerequisites (Clohessy et al. – Figure 4 shows the recursive path used to resolve prerequisites, 104-106-108-109-110-112-104-etc. until 114 or END; and ¶ [0038]).

Clohessy et al. do not explicitly communicating, prior to communicating any of the {software} to the client device, a list of the prerequisites from the server to the client device; receiving a response from the client device, wherein the response identifies any resource limitations of the client device determined by the client device based on a

Art Unit: 2456

comparison of the list of the prerequisites and current resources of the client device, the resource limitations comprising all prerequisites of the list of the prerequisites that are not currently present on the client device; resolving, upon determining that the list of the prerequisites that are not currently present on the client device, the prerequisites by identifying a final set {of software to be sent to the client} on the server that fulfills the prerequisites within the resource limitations of the client device; and substituting, upon determining that the list of the prerequisites that are not currently present on the client device, at least one other {software} bundle that operates within the resource limitations of the client device for one of the {software} bundles and one of the prerequisites of the list of the prerequisites that are not currently present on the client device. However McGuire et al. disclose

communicating, prior to communicating any of the {software} to the client device, a list of the prerequisites from the server device to the client device (McGuire et al. disclose communicating the list from the server to the client – Column 4, lines 17-21);

receiving a response from the client device, wherein the response identifies any resource limitations of the client device determined by the client device based on a comparison of the list of the prerequisites and current resources of the client device, the resource limitations comprising all prerequisites of the list of the prerequisites that are not currently present on the client device (McGuire et al. disclose the client executing the comparison of its resources against prerequisites and sending the needed list to the server - Column 4, lines 21-27); and

Art Unit: 2456

resolving via the server device, in response to determining that the list of the prerequisites that are not currently present on the client device, the prerequisites by identifying a final set {of software to be sent to the client} on the server that fulfills the prerequisites within the resource limitations of the client device (McGuire et al. disclose the server sending the necessary files to the client based on a response from the client on resource deficiency - Column 4, lines 30-37); and

substituting via the server device, in response to determining that the list of the prerequisites that are not currently present on the client device, at least one other {software} bundle that operates within the resource limitations of the client device for one of the {software} bundles and one of the prerequisites of the list of the prerequisites that are not currently present on the client device (McGuire et al. disclose the substitution of prerequisites - Column 4, lines 32-33; and the server sending the necessary files to the client based on a response from the client on resource deficiency - Column 4, lines 30-37); and

**{CLAIM 10 ONLY}**

**caching information derived from the response on the server** (McGuire et al. discloses server caching – Column 13, lines 35-38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the process of resolving client prerequisites taught by McGuire et al., with sending OSGi bundles from a server to a client taught by Clohessy et al., in order to minimize the amount of data to be downloaded by downloading only

Art Unit: 2456

those files needed to update the client computer and that will fulfill the client's needs (McGuire et al. – Column 4, lines 13-17 and Abstract).

As to Claim 3, the combination of Clohessy et al. and McGuire et al. discloses the method of claim 1, further comprising loading the final set of OSGi bundles on the client device if the prerequisites are completely resolved (Clohessy et al. – Figure 4, elements 108 and 114 show loading the final set of OSGi bundles on the client device).

As to Claim 5, the combination of Clohessy et al. and McGuire et al. discloses the method of claim 1, wherein the prerequisites comprise at least one item selected from a group consisting of a service, a package and a computer resource needed by client device (Clohessy et al. - Page 2, paragraphs 0024 and 0025 disclose the prerequisite resources being flash memory and RAM, which are at least one item selected from the group consisting of a service, a package and a computer resource, i.e. computer resources).

As to Claim 6, the combination of Clohessy et al. and McGuire et al. discloses the method of claim 1, further comprising caching information derived from the response on the server device (McGuire et al. discloses server caching – Column 13, lines 35-38).

The motivation and obviousness arguments are the same as in Claim 1.

As to Claim 7, the combination of Clohessy et al. and McGuire et al. discloses the method of claim 1, wherein the method is applied in the presence of a low bandwidth or high cost connection between the server device and the client device (Clohessy et al. – Page 1, paragraph 0002 discloses that the client device has limited system resources which would include bandwidth related resources such as threads, sockets, memory, RAM, etc. Paragraph 0003 further recites that the client device requires frequent loading and unloading due to the narrow bandwidth as compared to a desktop PC).

As to Claim 8, the combination of Clohessy et al. and McGuire et al. discloses the method of claim 1, wherein the final set of OSGi bundles include OSGi bundles that are identified from a repository accessed by the server device (Clohessy et al. – Page 4, paragraphs 0042 and 0043 disclose the process of loading OSGi bundles residing on the server to the client).

As to Claim 9, the combination of Clohessy et al. and McGuire et al. discloses the method of claim 1, further comprising:

receiving the prerequisites on the client device (McGuire et al. disclose the client executing the comparison of its resources against prerequisites and sending the needed list to the server - Column 4, lines 21-27);

determining whether the client device has the prerequisites, wherein any of the prerequisites that the client device does not have represent the resource limitations (McGuire et al. disclose the client executing the comparison of its resources against prerequisites and sending the needed list to the server - Column 4, lines 21-27); and sending the response to the server device, wherein the response includes the resource limitations (McGuire et al. disclose the client executing the comparison of its resources against prerequisites and sending the needed list to the server - Column 4, lines 21-27).

The motivation and obviousness arguments are the same as in Claim 1.

As to Claim 11, the combination of Clohessy et al. and McGuire et al. discloses the method of claim 10, further comprising loading the final set of OSGi bundles on the client device if the prerequisites are completely resolved (Clohessy et al. – Figure 4, elements 108 and 114 show loading the final set of OSGi bundles on the client device).

As to Claim 13, the combination of Clohessy et al. and McGuire et al. discloses the method of claim 10, wherein the prerequisites comprise at least one item selected from a group consisting of a service, a package and a computer resource needed by client device (Clohessy et al. - Page 2, paragraphs 0024 and 0025 disclose the prerequisite resources being flash memory and RAM, which are at least one item selected from the group consisting of a service, a package and a computer resource, i.e. computer resources).

As to Claim 14, the combination of Clohessy et al. and McGuire et al. discloses the method of claim 10, wherein the method is applied in the presence of a low bandwidth or high cost connection between the server device and the client device (Clohessy et al. – Page 1, paragraph 0002 recites that the client device has limited system resources which would include bandwidth related resources such as threads, sockets, memory, RAM, etc. Paragraph 0003 further recites that the client device requires frequent loading and unloading due to the narrow bandwidth as compared to a desktop PC).

As to Claim 15, the combination of Clohessy et al. and McGuire et al. discloses the method of claim 10, further comprising:

receiving the prerequisites on the client device (McGuire et al. disclose the client executing the comparison of its resources against prerequisites and sending the needed list to the server - Column 4, lines 21-27);

determining whether the client device has the prerequisites, wherein any of the prerequisites that the client device does not have represent the resource limitations (McGuire et al. disclose the client executing the comparison of its resources against prerequisites and sending the needed list to the server - Column 4, lines 21-27); and

sending the response to the server device , wherein the response includes the resource limitations (McGuire et al. disclose the client executing the comparison of its

Art Unit: 2456

resources against prerequisites and sending the needed list to the server - Column 4, lines 21-27).

The motivation and obviousness arguments are the same as in Claim 1.

As to Claim 18, the combination of Clohessy et al. and McGuire et al. discloses the system of claim 16, where the processor is further programmed to execute a bundle loading system for loading the final set of OSGi bundles on the client device if the prerequisites are completely resolved (Clohessy et al. – Figure 4, elements 108 and 114 show loading the final set of OSGi bundles on the client device).

As to Claim 20, the combination of Clohessy et al. and McGuire et al. discloses the system of claim 16, wherein the prerequisites comprise at least one item selected from a group consisting of a service, a package and a computer resource needed by client device (Clohessy et al. - Page 2, paragraphs 0024 and 0025 recite the prerequisite resources being flash memory and RAM, which are at least one item selected from the group consisting of a service, a package and a computer resource, i.e. computer resources).

As to Claim 21, the combination of Clohessy et al. and McGuire et al. discloses the system of claim 16, where the processor is further programmed to execute a response caching system for caching information derived from the response within the

Art Unit: 2456

memory at the server device (McGuire et al. discloses server caching – Column 13, lines 35-38).

The motivation and obviousness arguments are the same as in Claim 1.

As to Claim 22, the combination of Clohessy et al. and McGuire et al. discloses the system of claim 16, where the memory comprises a repository and wherein the final set of OSGi bundles includes OSGi bundles that are identified from the repository accessed by the server device (Clohessy et al. – Page 4, paragraphs 0042 and 0043 disclose the process of loading OSGi bundles residing on the server to the client).

As to Claim 23, the combination of Clohessy et al. and McGuire et al. discloses the system of claim 16, where the processor is further programmed to process the response generated via:

an analysis system executing on the client device that determines whether the client device has the prerequisites, wherein any prerequisites that the client device does not have are identified as the resource limitations (McGuire et al. disclose the client executing the comparison of its resources against prerequisites and sending the needed list to the server - Column 4, lines 21-27); and

a response system that sends the response from the client device to the server device (McGuire et al. discloses the server sending the necessary files to the client based on a response from the client on resource deficiency - Column 4, lines 30-37).

The motivation and obviousness arguments are the same as in Claim 1.

As to Claim 27, the combination of Clohessy et al. and McGuire et al. discloses the program product of claim 25, further comprising program code for loading the final set of OSGi bundles on the client device if the prerequisites are completely resolved (Clohessy et al. – Figure 4, elements 108 and 114 show loading the final set of OSGi bundles on the client device).

As to Claim 29, the combination of Clohessy et al. and McGuire et al. discloses the program product of claim 25, wherein the prerequisites comprise at least one item selected from a group consisting of a service, a package and a computer resource needed by client device (Clohessy et al. - Page 2, paragraphs 0024 and 0025 recite the prerequisite resources being flash memory and RAM, which are at least one item selected from the group consisting of a service, a package and a computer resource, i.e. computer resources).

As to Claim 30, the combination of Clohessy et al. and McGuire et al. discloses the program product of claim 25, further comprising program code for caching the information derived from the response on the server device (McGuire et al. discloses server caching – Column 13, lines 35-38).

As to Claim 31, the combination of Clohessy et al. and McGuire et al. discloses the program product of claim 25, wherein the final set of OSGi bundles includes OSGi

Art Unit: 2456

bundles that are identified from a repository accessed by the server device (Clohessy et al. – Page 4, paragraphs 0042 and 0043 recite the process of loading OSGi bundles residing on the server to the client).

As to Claim 32, the combination of Clohessy et al. and McGuire et al. discloses the program product of claim 25, further comprising:

program code for determining whether the client device has the prerequisites, wherein any prerequisites that the client device does not have are identified as the resource limitations (McGuire et al. disclose the client executing the comparison of its resources against prerequisites and sending the needed list to the server - Column 4, lines 21-27); and

program code for sending the response from the client device to the server device (McGuire et al. discloses the server sending the necessary files to the client based on a response from the client on resource deficiency - Column 4, lines 30-37).

The motivation and obviousness arguments are the same as in Claim 1.

**10. Claims 4, 12, 19 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0023661 A1 (Clohessy et al.) as applied to claims 3, 18 and 27 above, and further in view of US 2003/0131226 A1 (Spencer et al.).**

As to Claim 4, the combination of Clohessy et al. and McGuire et al. disclose the method of claim 3, wherein the loading comprises the server device instructing the client

Art Unit: 2456

device to load the final set of OSGi bundles (Clohessy et al. – Figure 4, elements 108 and 114 show loading the final set of OSGi bundles on the client device) .

The combination of Clohessy et al. and McGuire et al. do not disclose in a particular order, but Spencer et al. disclose in a particular order (Spencer et al. – Page 1, paragraph 0004 discloses downloading components in a particular order).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the method of downloading in a particular order taught by Spencer et al., with the server instructing the client device to load the final set of OSGi bundles taught by the combination of Clohessy et al. and McGuire et al., in order to load components according to whether they that require the presence of others on the user's device (Spencer et al. – Page 1, paragraph 0004).

As to Claim 12, the combination of Clohessy et al. and McGuire disclose the method of claim 11, wherein the loading comprises the server device instructing the client device to load the final set of OSGi bundles (Clohessy et al. – Figure 4, elements 108 and 114 show loading the final set of OSGi bundles on the client device).

The combination of Clohessy et al. and McGuire et al. does not disclose in a particular order, but Spencer et al. disclose in a particular order (Spencer et al. – Page 1, paragraph 0004 recites downloading components in a particular order).

The motivation and obviousness arguments are the same as in Claim 4.

As to Claim 19, the combination of Clohessy et al. and McGuire et al. disclose the system of claim 18, wherein the bundle loading system comprises an instruction passing system for instructing the client device to load the final set of OSGi bundles (Clohessy et al. – Figure 4, elements 108 and 114 show loading the final set of OSGi bundles on the client device).

The combination of Clohessy et al. and McGuire et al. do not disclose in a particular order, but Spencer et al. disclose in a particular order (Spencer et al. – Page 1, paragraph 0004 recites downloading components in a particular order).

The motivation and obviousness arguments are the same as in Claim 4.

As to Claim 28, the combination of Clohessy et al. and McGuire et al. disclose the program product of claim 27, wherein the program code for loading comprises program code for instructing the client device to load the final set of OSGi bundles (Clohessy et al. – Figure 4, elements 108 and 114 show loading the final set of OSGi bundles on the client device).

The combination of Clohessy et al. and McGuire et al. do not disclose in a particular order, but Spencer et al. disclose in a particular order (Spencer et al. – Page 1, paragraph 0004 recites downloading components in a particular order).

The motivation and obviousness arguments are the same as in Claim 4.

Art Unit: 2456

**11. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Clohessy et al. and McGuire et al. as applied to claim 16 above, and further in view of US 2005/0004974 A1 (Sharma et al.).**

As to Claim 24, the combination of Clohessy et al. and McGuire et al. disclose the system of claim 16.

The combination of Clohessy et al. and McGuire et al. do not disclose wherein the system uses SyncML DM protocol for communication between the client device and the server device, but Sharma et al. disclose wherein the system uses SyncML DM protocol for communication between the client device and the server device (Sharma et al. – Page 9, paragraphs 0097 and 0099 recite the use of SyncML Device Management and OSGi to communicate between client and server).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the use of SyncML Device Management taught by Sharma et al., with the communication between client and server taught by the combination of Clohessy et al. and McGuire et al.

One of ordinary skill in the art at the time the invention was made would have been motivated to explicitly support the ability to change service settings on a mobile device and to be able to download services to it (Sharma et al. – Page 9, paragraph 0099).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RICHARD G. KEEHN whose telephone number is (571)270-5007. The examiner can normally be reached on Monday through Thursday, 9am - 8pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2456

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